

REMARKS

The Office Action dated March 9, 2005 has been carefully reviewed.

Claims 1-35 are pending in this patent application. By this amendment, claims 1-33 and 36 have been canceled, claim 34 has been amended, and claims 37-58 has been added. Reconsideration of this application, as amended, is respectfully requested.

Oath/Declaration

In the executed Declaration and Power of Attorney document submitted to the U.S. Patent and Trademark Office with the filing of this patent application, the word "same" was inadvertently omitted from the "post office address" line of Chris Clupper's data block thereby effectively causing Mr. Clupper's mailing address to be omitted therefrom. Applicants are in the process of obtaining another declaration executed by Mr. Clupper that properly provides his mailing address. This executed declaration will be promptly submitted after it is obtained.

Allowable Subject Matter

Claim 35 was allowed.

35 U.S.C. §§ 102 and 103 Rejections (Claims 1-33 and 36)

Claims 1-33 and 36 were rejected under 35 U.S.C. §§ 102 or 103 over one or more of the following: Diaz et al. (U.S. Patent No. 6,481,019), Green et al. (U.S. Patent No. 5,711,033), Wilson et al. (U.S. Patent No. 6,792,944), Rudd

(U.S. Patent No. 4,462,119), Hong (U.S. Patent No. 5,394,566), Odell et al. (U.S. Patent No. 6,796,304), Anderson (U.S. Patent No. 3,156,922), Stackhouse et al. (U.S. Patent No. 4,901,716), and Yang (U.S. Patent No. 5,251,334). Claims 1-33 and 36 have been canceled.

35 U.S.C. § 102 Rejection (Claim 34)

Claim 34 was rejected under 35 U.S.C. § 102 as being anticipated by Diaz et al. (U.S. Patent No. 6,481,019). Claim 34 has been amended.

Reconsideration of claim 34 is respectfully requested.

Amended claim 34 recites, inter alia, the following limitation:

a magnetic attachment mechanism operable to secure said face shield to said chin bar, said magnetic attachment mechanism including (i) a magnet attached to one of said face shield and said chin bar, and (ii) a magnetically attracted material attached to the other of said face shield and said chin bar.

Diaz does not disclose this limitation. In particular, as can be seen in its FIG. 9, the face shield 96 does not attach to any portion of the helmet assembly by use of a magnetic attachment mechanism. Since Diaz does not disclose each and every element of Applicants' amended claim 34, Diaz does not anticipate Applicants' amended claim 34.

Moreover, Applicants' discussion regarding the patentability of newly added claim 37 over Yang (U.S. Patent No. 5,251,334) and Rudd (U.S. Patent No. 4,462,119) is relevant to the patentability of amended claim 34 over Yang and Rudd.

Newly Added Claims 37-58

Newly added claims 37-58 recite novel and nonobvious limitations. Thus, each of claims 37-58 is allowable over the cited art.

For example, newly added claim 37 reads as follows:

37. A surgical garment system comprising:
a helmet configured to be supported on the head of a wearer, said helmet including an extension portion configured to extend adjacent to a chin of the wearer when the helmet is supported on the head of the wearer, said extension portion having (i) a left lateral portion, (ii) a right lateral portion, and (iii) a middle portion interposed between said left lateral portion and said right lateral portion, said middle portion defining a slot;
a face shield having a lower edge and a tab extending from said lower edge, said tab configured to be received within said slot defined in said middle portion of said extension portion, and said face shield defining a perimeter portion;
a first magnetic attachment mechanism including (i) a first magnet attached to one of said face shield and said left lateral portion of said extension portion, and (ii) a first magnetically attracted material attached to the other of said face shield and said left lateral portion of said extension portion;
a second magnetic attachment mechanism including (i) a second magnet attached to one of said face shield and said right lateral portion of said extension portion, and (ii) a second magnetically attracted material attached to the other of said face shield and said right lateral portion of said extension portion; and
a shroud attached to said face shield at said perimeter portion and configured to cover at least said helmet,
wherein downward movement of said face shield in relation to said helmet is inhibited by contact between said lower edge of said face shield and said middle portion of said extension portion when said tab of said face shield is located within said slot defined in said middle portion of said extension portion.

Applicants' invention of claim 37 provides advantages over prior art systems such as the one disclosed in Yang. Indeed, while Yang discloses a magnetic attachment mechanism to conveniently attach a side shield 33 to a head band or strap 1, Yang's magnetic attachment mechanism suffers from the problem of the shield 33 migrating downwardly in relation to the head band or strap 1 over a period of time. This would especially be a problem if a surgeon was relying on the type of shield attachment mechanism disclosed in Yang during a medical surgery. To solve such a problem while still benefiting from the

convenience of a magnetic attachment mechanism, Applicants' invention of claim 37 provides structure that inhibits downward movement of the face shield in relation to the helmet. Again, in the context of a medical surgery, this feature is highly advantageous. Rudd's use of a lower tab 38 of a face shield 34 is in an entirely different context since its attachment mechanism is not one that suffers from downward migration of its face shield in relation to its helmet. Rather, Rudd utilizes a highly secure, yet highly inconvenient, attachment mechanism. In particular, Rudd's attachment mechanism is comprised of flexible connectors 48 being threaded through orifices 44, 46 and around projections 50. Accordingly, it is believed that claim 37 is allowable over the cited art including Yang and Rudd.

Discussion Regarding Patentability of Claims 38-44

Each of claims 38-44 depends directly or indirectly from newly added claim 37. As a result, each of claims 38-44 is allowable for, at least, the reasons hereinbefore discussed with regard to newly added claim 37.

Discussion Regarding Patentability of Claim 45

The discussion relating to the patentability of newly added claim 37 is relevant to the patentability of newly added claim 45. Thus, newly added claim 45 is believed to be allowable.

Discussion Regarding Patentability of Claims 46-51

Each of claims 46-51 depends directly or indirectly from newly added claim 45. As a result, each of claims 46-51 is allowable for, at least, the reasons hereinbefore discussed with regard to newly added claim 45.

Discussion Regarding Patentability of Claims 52-58

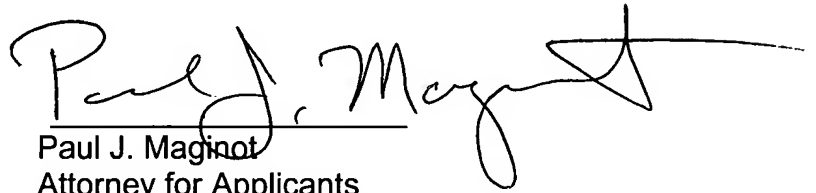
Each of claims 52-58 depends directly or indirectly from amended claim 34. As a result, each of claims 52-58 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 34.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK

A handwritten signature in black ink, reading "Paul J. Maginot", with a long horizontal flourish extending to the right.

Paul J. Maginot
Attorney for Applicants
Registration No. 34,984

July 11, 2005

Maginot, Moore & Beck
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Fax: (317) 638-2139